

Sheehan & Associates, P.C.
spencer@spencersheehan.com

60 Cutter Mill Road, Suite 409, Great Neck NY 11021-3104
tel. (516) 268-7080 fax (516) 234-7800

February 24, 2021

District Judge John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: 1:20-cv-10272-JPC
Sanchez v. Avadim Health, Inc.

Dear District Judge Cronan:

This office represents the plaintiff. In accordance with your Honor's Individual Rules and Practices in Civil Cases ("Individual Rules"), Rule 3(B), plaintiff requests an extension of time to prove service on defendant.

This action was filed on Sunday, December 6, 2020. ECF No. 1. The original date by which service is required to be proved to the Court is Monday, March 8, 2021. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

In January 2021, a waiver packet was mailed to defendant's registered agent with a self-addressed stamped envelope for returning a signed waiver. After not receiving a response, I contacted defendant through its general email address and inquired whether they would be willing to waive service of the summons.

When no response was received, plaintiff effected service through delivery of the summons and complaint to defendant's registered agent on February 19, 2021 for which proof of service was provided. Fed. R. Civ. P. 4(h)(1)(B). While this office expects to be contacted by defendant shortly, no such response has occurred yet.

Plaintiff requests an extension of 30 days until Friday, March 26, 2021, to obtain and file a waiver of service so defendant may obtain additional time to move or answer in response to the complaint. Fed. R. Civ. P. 4(d)(4) ("Results of Filing a Waiver"). This will make it less necessary for defendant to hurriedly request an extension of time to respond to the complaint, conserve judicial resources and accommodate defendant and whomever it selects as its counsel. This request is submitted at least 48 hours prior to the date sought to be extended. No prior request was made for the relief sought herein. No prior request was granted or denied. Thank you.

Respectfully submitted,


/s/Spencer Sheehan

This request is DENIED. According to Plaintiff, Defendant was served on February 19, 2021. If Defendant wishes to request an extension of the deadline by which it must respond to Plaintiff's complaint, it is free to do so.

SO ORDERED.

Date: February 24, 2021

New York, New York


JOHN P. CRONAN
United States District Judge

Certificate of Service

I certify that on February 24, 2021, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan